MINUTES OF THE CENTRAL WASATCH COMMISSION MEETING HELD MONDAY, NOVEMBER 4, 2019 AT 4:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

Present: Commissioner Chris McCandless, Mayor Mike Peterson, Commissioner Jim Bradley, Mayor Andy Beerman, Commissioner Chris Robinson, Mayor Harris Sondak, Mayor Jeff Silvestrini, Mayor Jackie Biskupski, Mayor Jenny Wilson

Staff: Executive Director Ralph Becker, CWC Legal Counsel Shane Topham,
Deputy Director Blake Perez, Communications Director Lindsey Nielsen,
Office Manager Kaye Mickelson, Intern Carly Lansche

## A. <u>OPENING</u>

i. Commissioner Chris McCandless will Conduct the Meeting as Chair of the Central Wasatch Commission ("CWC").

Chair Chris McCandless called the meeting to order at 4:04 p.m.

ii. The Commission will Consider Approving the Meeting Minutes of Monday, October 7, 2019.

**MOTION:** Mayor Silvestrini moved to approve the minutes of Monday, October 7, 2019. Commissioner Robinson seconded the motion. The motion passed with the unanimous consent of the Board.

## B. **QUARTERLY BUDGET REPORT**

i. Commissioner Jim Bradley, CWC Finance Committee Chair, will Report on the CWC 1<sup>st</sup> Quarter.

Commissioner Jim Bradley reported that the Finance Committee met about 10 days ago with himself, Mayors Sondak and Silvestrini and Commissioner Robinson in attendance. They reviewed the quarterly reports and the Public Trust Investment Fund within nothing of note identified. They also discussed what will happen between October and January to identify further efficiencies in the CWC accounts payable receiving process. One of the items they discussed was bringing the bookkeeping and accounting in house rather than contracting it out. It was a cost-saving maneuver and not the result of any dissatisfaction with the current contract arrangement. Commissioner Bradley commented that with the addition of Kaye Mickelson to staff they have the capability of doing required accounting and bookkeeping in house. Commissioner Robinson suggested that by bringing it in house they should ensure that internal controls are in place. Commissioner Bradley noted that if bookkeeping is brought in house, external audits will still occur.

The updated spreadsheet shows that the budget is balanced and that revenues are equal to what the quarter-end should be with approximately 25% having been received. The expenditures show that they are on track in terms of managing the budget. The committee also discussed the fund balance policy. Currently, there are two accounts including the Public Trust Investment Fund, which contains

the majority of the funds. The interest rate in that fund is significantly better than the option with Zions. As a result, there is interest revenue being generated. The checking account balance is \$15,000 on average for the payment of monthly bills and expenses. That account is at Zions Bank and for it to be interest-free requires a minimum balance of \$3,500 be maintained.

In terms of the policy regarding the Public Trust Account, because of the status of the organization established by an interlocal agreement, they are not required to have a fund balance. The issue, however, should be addressed at the retreat. In response to a question raised by Mayor Biskupski, Commissioner Bradley indicated that the lobby contracts are reflected on the second page of the budget under expenditures.

 Paul Godot asked about the rate of the return and the interest rate difference between the fund and the bank. Commissioner Bradley reported that the interest rate is 2.5%. Mayor Silvestrini explained that the TIF is a state-run investment account that most public funds are invested in. They invest in a variety of assets and the advantage for governmental agencies is that the funds are available on demand. They receive a return that is better than a bank can offer. Commissioner Robinson commented that it is similar to a money market account for local governments. Mr. Godot referenced the equity section of the balance sheet and asked about the equity. Commissioner Robinson responded that it in governmental accounting it is the fund balance. Rather than a profit and loss, they have revenues and expenditures.

Steve VanMaren, a Sandy resident, referenced page one which shows a membership collection of 100% being \$140,000. On page three there are receivables of \$500,000. He asked where that was expected to come from. Deputy Director Blake Perez commented that that information will come from member jurisdictions who are on a fiscal year calendar year. They are in the process of approving their budgets now. They can anticipate member payments after January 1.

## C. <u>UDOT LITTLE COTTONWOOD CANYON ENVIRONMENTAL IMPACT STUDY</u>

# i. John Thomas, UDOT Project Manager, will Provide an Update on UDOT's Little Cottonwood Canyon Environmental Impact Statement.

John Thomas, UDOT Project Manager for the Little Cottonwood Canyon Environmental Impact Statement ("LLCEIS") updated the board on their plans for the future. He explained that the National Environmental Policy Act ("NEPA") contains a framework of regulations that help assess the environmental impacts and the propriety of the proposed actions. The EIS is a process that directs how that is to be done. UDOT's role is to implement the framework and process to identify and evaluate transportation alternatives. Public input is part of the EIS process with an open house being the first step. Public comment was received on a variety of ideas and options, which helped with the alternatives being considered.

A table was presented of over 100 alternatives and concepts that have been received and that the public provided input on. It provides insight into the range of alternatives that will be evaluated. The process and scheduling issues were next addressed. The next step was to include alternatives development. They take the 100 concepts and ideas and turn them into alternatives. The work must be done between now and the spring. Meetings will continue to be held with groups and agencies that have data for the development of the alternatives. Mr. Thomas explained that there is a two-

tiered screening process. There will also be a 40-day comment period. He emphasized that the input helps shape future alternatives and how they are developed.

In response to a question raised, Mr. Thomas explained that all of the data will be available in the direct alternative discussion or in an appendix. All of the information will be released at once so that there is a context to the other alternatives.

Mayor Peterson commented that \$66 million is allocated for Little Cottonwood Canyon and asked how much was allocated as part of SB 277. Mr. Thomas reported that SB 277 allocated \$100 million statewide with the priority being recreation hot spot areas. The remainder was to go to three other areas. He did not expect the \$66 million to be enough to implement all of the plans recognizing that they are tasked with developing the alternatives and preparing information about the benefits and impacts so that a determination can be made about the appropriate alternative going forward.

Chair McCandless asked if it would be appropriate to lobby the Legislature for additional funding. Mr. Thomas stated that since they do not yet know what the solutions are, they welcome the involvement of local jurisdictions.

Commissioner Bradley reported that in the fall of 2020 a draft EIS will be released with the final coming available in the spring of 2021. He asked if the preferred alternative will be released in 2020. Mr. Thomas explained that they will develop information between now and the summer for the alternatives. They will not be screened at that point. They will present that information to the public, receive input, and begin refining the alternatives. Mr. Thomas clarified that the criteria is being presented now in order to get comments and screen the alternatives. The alternatives identified over the summer will be displayed after going through the screening process.

Mayor Biskupski mentioned that there is funding for parking garages that was transferred to UDOT during the Legislative Session. She asked if UDOT had plans for that money. Mr. Thomas stated that \$13 million was allocated to UDOT to address a parking structure at the mouth of Big Cottonwood Canyon. Developable land is becoming scarce and the gravel pits offer an opportunity that may not come to fruition. If it does, they will need to acquire land. To do that, they need to work with the City and others to identify the amount of property needed and use the funds to make the purchase. Mayor Peterson considered having a central parking hub in the gravel pit area to be part of the transportation mediation effort. The intent would be to mitigate traffic congestion on Wasatch Boulevard. He considered it to be a regional issue.

## STAKEHOLDERS COUNCIL UPDATE AND DISCUSSION

 i. Stakeholders Council Chair and Vice-Chair, Greg Summerhays and Dr. Kelly Bricker, will Provide an Update on the September Stakeholders Council Meeting and Work Moving Forward.

Stakeholders Council Chair Greg Summerhays updated the board on their most recent meeting. They began the discussion about transportation and the elimination of the Cottonwood Canyons Transportation Action Plan ("CCTAP"). The Council Members were discouraged by the decision but hoped to continue to be involved and engaged in the process as the EIS moves forward.

The Council also discussed increased bus service and are in full support of the action taken by the CWC. There were questions about parking supply, the elimination of the Little Cottonwood Canyon bus stop, and year-round service to the canyons.

There was also a robust discussion from the U.S. Forest Service about restrooms and a presentation was made about restrooms. The Council acknowledged that restrooms are a significant concern. The U.S. Forest Service worked with Salt Lake Public Utilities and the Salt Lake County Health Department to identify a list of priority restrooms they would like to replace. UDOT offered to fund the layout, design, and engineering drawings for the Cardiff and S-turn restrooms, which are two of the highest priorities. Mr. Summerhays noted that the needed infrastructure was estimated to cost over \$31 million for the entire list of priority restrooms and included flush toilets.

There was also discussion about the Federal Lands Access Program ("FLAP") grant with Salt Lake County. Helen Peters from Salt Lake County shared their plans to improve transportation and infrastructure to access federal lands. This provides an opportunity for the Forest Service to be the lead applicant with Salt Lake County on the application and to identify proposed improvements along the 10-mile stretch of roadway.

Mr. Summerhays reported that they continued their discussion regarding capacity. He explained that a visitor capacity proposal was provided to both the Capacity Committee and the full Stakeholders Council. There was a request from the Stakeholders Council to look at other studies that have been performed, which have since been provided for review.

A survey was also conducted with the Stakeholders Council to get input on the process and how they can improve the structure of the committee. They looked forward to participating in the retreat to further that discussion and provide input.

Mayor Peterson expressed appreciation to the Stakeholders Council for their efforts.

# D. <u>CENTRAL WASATCH NATIONAL CONSERVATION & RECREATION ACT</u>

Executive Director Ralph Becker reported that at the last meeting the Board brought on two additional lobbyists. Both Casey Hill and Ron Dean were present. Bill Simmons was also available via telephone. The intent was to review the draft of the legislation, the comments received, and consider changes to the bill. They should then address the bigger question of how to proceed.

Mr. Becker explained that at the core of the community coming together in the Mountain Accord and through the work of the Central Wasatch Commission, was an appreciation for the remarkable value of the Wasatch Mountains. The common bond that was what led to the agreement with Mountain Accord on a plan for a future that accommodated the jurisdictions and interests and included benefits and compromises. It has been nearly four years since the Mountain Accord made the congressional legislation a central element of the agreement. The CWC is now reviewing the fourth version of a bill to carry out the tenets of that agreement. The intervening four years have revealed changed circumstances and more information has come to light regarding the challenges associated with implementing land exchanges. Few of those who signed the original agreement remain in decision-making positions. New decision-makers bring different perspectives and were not involved in analysis and discussions that lead to the accord.

Mr. Becker noted that it has become clear that some members of the public, including the stakeholders, state leaders, and Utah's congressional delegation want to further consider how other issues of Mountain Accord, and transportation issues specifically, are addressed before moving ahead with congressional legislation.

The previous week a new version of the draft was distributed. Mr. Becker presented the following proposed changes he believed reflect comments the Board should consider:

• A new definition of "facility". There was some question as to whether they were providing for existing and new corridors for transmission lines. The desire was to clarify what is included in the broad range of facilities.

• The definition of "Mountain Transportation System" was modified from the August version to clarify that it is a transportation system between developed destinations.

• A modification was made to "ski lifts" to make it clear that ski lifts will occur in permitted ski areas.

• To Section 3, it was suggested that they expand Section B-1, Purposes to change "wildlife" and broaden it to include biological resources.

• Since the draft was issued in August, the CCTAP was identified and incorporated. The CCTAP has since been deleted. It was noted that not all of the Forest Service policies are in the Wasatch Cache and Uintah National Forest Plans.

• Further refinement was needed on ski lifts to be consistent with the definition.

• Section 5 of the White Pine Watershed Management Area was changed based on the removal of an outside boundary to simply refer to the federal and public lands. Consistent provisions were needed in each of those types of areas. It was noted that wilderness areas already contain that requirement.

• An addition was made to Section 6, General Provisions to provide for Forest Service fees as they relate to wilderness areas and the White Pine Watershed Management Area.

• To Section 7, the Land Exchange section is in question and will be an issue of a broader discussion. Because Alta Ski Lifts removed its proposed land exchange, it was recommended that a placeholder be provided for that land exchange in the future. A new section was added with Alta Ski Lifts exchanging their private land for base land to be defined. The intent was to accommodate the potential for future land exchanges subject to CWC and Forest Service consideration.

• One of the suggestions received was that they show the boundary for the new Town of Brighton.

• An area was added to the Grandeur Peak Wilderness that is surrounded on three sides by wilderness but removed land where the pipeline trail is located. The boundary was drawn as

a wilderness addition. The same was done on the south side where the Boy Scout Camp was to attach to the Twin Peak wilderness.

• An unmapped area included the west edge of the Twin Peaks Wilderness that would be added.

- There was a request to identify the correct boundaries for the Brighton/Solitude Ski Permit Areas. That was done but they were still waiting for the Forest Service to review the map to ensure that the boundaries are correct.
- A comment was received from Brighton Ski Area. Under the Mountain Accord and reflected in past legislation, Hidden Canyon would be available to apply for and authorized for a permit area expansion into Hidden Canyon. In looking at the boundary for that map, Brighton was concerned that they were not showing the full return area. Staff studied the map carefully and tried to draw a boundary that includes the return area in the proposed expansion area.

Mr. Becker addressed issues raised but that changes were not proposed for. Presently, the bill calls for development of the Management Plan and identifies areas of significance. He reported that there had been a lot of discussion about the role of state and local governments and stakeholders. The view was that local communities should develop the plan and the Forest Service should follow it to provide for consultation by the Forest Service. Over the last several decades there has been a major push to turn public lands over to state or local governments or privatize the lands or shift that dynamic in terms of who should direct the management through the management plans.

Mr. Becker pointed out that in the most recent major piece of legislation involving Emery County, an advisory committee was established to direct the management of planned development. Another option would be to turn it over to local jurisdictions. With regard to land exchanges, the Forest Service identified a series of issues. They also received numerous comments on handling transportation improvements in the bill. Under Mountain Accord there were two parallel primary objectives. The first was to update the lands and resources legal framework to reflect current conditions. The second was to solve transportation problems in the increasingly congested transportation system. Mountain Accord concluded with a commitment to pursue both objectives.

Mr. Becker explained that in the legislation they looked for ways to remove impediments to transportation improvements and promote the outcomes of decision-making taking place at the state and local level. He reported that there was a collective effort among the transportation agencies and others to arrive at agreed-upon language. The proposed bill largely retains the same language that was included in the Chaffetz bill. The CWC has become increasingly focused on what can be done in the interim.

The previous week, UTA announced that they will dramatically improve bus service. Staff received numerous comments on transportation alternatives in the canyons. Mr. Becker acknowledged that they are behind in terms of finding improvements and maintenance necessary in the mountains. The bill includes three funding provisions. One is related to giving authority to the Forest Service to charge fees, another to take proceeds for land exchanges, and a third to provide an authorization for appropriations. He pointed out that the legislation would provide new avenues for funding that do not currently exist.

Mr. Becker reported that in the past the Board has not supported providing for mountain biking on White Pine Road. He continued to receive comments on both sides of the issue. Several comments were also received on ski resort expansion. The largest volume of comments pertained to the Alta Ski Lifts expansion, Grizzly Gulch, and Patsy Marley Ridge and continues to be an area of great contention. Currently, the status quo will be retained, which is that private lands in Grizzly Gulch could be pursued by Alta. The Forest Land in Patsy Marley is an avalanche protection zone area and under special use permit of the Forest Service but does not allow downhill skiing.

Mr. Becker indicated that comments were also received on matters related to legislation that provisions were not added for. There had been discussion about carrying and visitor capacity. The Town of Alta passed a resolution relating to a Visitor Management Study. Some suggested that watershed protection measures be modified for access approaches that are not currently permitted. A number of comments were also received about increasing helicopter or plane touring in the canyons. Some believe that the legislation should specify a transportation link to Park City through the mountains while others believe there should be no connection. Comments were received about the Millcreek Canyon Road, which is a County road and whether the provisions in place to protect the corridors for Big and Little Cottonwood Canyon roads should apply there. Comments were received about legislation directing avalanche or rockfall sheds. They were being considered as part of the EIS. Mr. Becker reported that a number of mapping changes were suggested that changes were not proposed for. Staff prepared comments and responses.

Mr. Becker thanked the Board for their commitment and dedication and directing him to make this the CWC's highest priority. As local decision-makers, the Board has taken the lead in shaping the future of the mountains.

Mayor Wilson acknowledged the tremendous amount of work and thanked Mr. Becker and his team. She commented on the Mountain Accord and stated that when the Mountain Accord process was finalized, there was a level of skepticism. The CWC was formed with that in mind. For the retreat, she hoped to better understand how the federal bill impacts other areas. She was also interested in a summary of the stakeholder comments. She also asked for information on where each member of the Board stands with regard to the federal legislation. Mr. Becker expected that to be a topic of discussion at the retreat. He noted that the comments are available and summarized in a document that is available to the public.

Mayor Biskupski commented on the EIS discussion and questioned how they lost five weeks of snowpack in the last 20 years. She also mentioned expansion at the resorts and snowmaking. She asked if UDOT is taking into consideration Little Cottonwood Canyon's role in supplying water. No UDOT representatives were present to answer the question. Mayor Biskupski felt they should continue moving forward with the federal legislation and suggested they better understand the EIS process and be able to bring UDOT in as a partner with the legislation. She also encouraged the Board Members to understand the limits associated with water resources. She stated that it would be very helpful for UDOT to attend the retreat.

Mayor Peterson agreed that UDOT should be present at the retreat as well as UTA. For Cottonwood Heights, the transportation issue is critical. Mr. Becker's understanding was that UTA representatives will be in attendance at the retreat.

Mayor Silvestrini hesitated to invite all of those involved in Mountain Accord to participate in the retreat. He stressed the importance of forging ahead. He invited the other stakeholders who expressed concern about the legislation and the ability to make progress to come to a consensus.

Mr. Becker stated that circumstances have changed and perhaps it would be valuable to reconvene in an abbreviated manner. He thought information should be available that reflects the work the Board has put into addressing the current issues. Mayor Wilson was unsure that was the best path. Mayor Biskupski asked if the belief was that they can meet the intent of Mountain Accord without doing the land exchange. Mr. Becker believed they could. He considered it a vehicle to solve some of the issues since it realigned lands in a manner that made sense for the public and private parties.

Chair McCandless pointed out that they are at a pivotal point from a transportation and preservation perspective. He was one of the stakeholders in the land exchange provision but recognized that situations change. Having it included is a tool but removing it eliminates that tool. His position was to respect what the landowners want. At the appropriate time, he would suggest that the exchange provisions be removed. Chair McCandless commented that in order for the transportation issue to become palatable for the other group, they want protection with what the Central Wasatch National Conservation Recreation Area ("CWNCRA") has to offer. He considered it critical that it passes.

#### E. STAFF MONTHLY REPORT

Mr. Becker recognized Intern Carly Lansche who has assisted with various communication

Presentation by CWC Executive Director Ralph Becker of His Monthly Report.

endeavors. She will be missed as she is leaving the employ of the CWC has she has accepted a full-time position elsewhere.

i.

Communications Director Lindsey Nielsen stated that last month she reported that the project team for the Environmental Dashboard updated the committee's technical efforts to review each of the five environmental indicators that form the framework for the dashboard. They include soil, water, air, plants, wildlife, and ecosystems. In October, meetings took place with Salt Lake City Public Utilities, the Division of Environmental Quality, the Utah Geological Center, the Utah Division of Air Quality, the University of Utah, and others. The purpose of the meetings was to review the framework for each indicator, review the data that has been collected, and form a basis for each of the dashboards. The outcomes from the meetings were presented to CWC staff the previous week and will be discussed with the original steering committee the third week of November. The project team will then present the outcomes of the steering committee meeting. The work mapped out in Phase 1 will begin in Phase 2 after the start of the year.

Ms. Nielsen will present the plan for public engagements specific to the Environmental Dashboard at the next CWC meeting. ESRI will also reengage with the project after the new year. CWC staff had the opportunity to meet with ESRI leadership to discuss the project and they offered to promote it at its Denver office as part of a collaboration project. Details remained to be worked out.

 Mr. Perez thanked the CWC for approving last month's ILA with UTA. UTA, with financial contributions from Wasatch Backcountry Alliance, Save Our Canyons, and all four ski resorts will implement enhanced bus service this ski season. There was a 26% increase in trips on Route 953 and a 28% increase on Route 272. They were also working on the police escort service for buses on heavy

ski days. At the retreat, they will discuss the prioritization of the transportation portfolio. Staff had also been working with car rental companies with respect to client education.

## F. PUBLIC COMMENT

<u>Paul Godot</u> gave his address as 10359 Eagle Cliff Way in Sandy and recently heard about the increased bus service. Of particular note was the removal of the interior ski rack storage. While there will be inconveniences associated with riders holding their skis, the bigger issue was safety in order to fit more people on buses. Mr. Godot noted that UTA is exposing themselves to problems. He considered the removal of ski racks to be a mistake and suggested that the Board consider why they were there in the first place.

<u>Aaron London</u> from the Wasatch Backcountry Alliance expressed support for the increased bus service. Of primary concern was that they have only addressed part of the problem since parking has not been increased. He commented that people are looking for excuses not to ride the bus and change their behavior. His opinion was that without increasing parking they cannot increase ridership.

<u>Barbara Cameron</u> from the Big Cottonwood Canyon Community Council reported that the previous night she returned from Northern California near the wildfires. While there, they were under an evacuation notice for one week and without power for six days. She suggested that wildfires be addressed in the canyons by looking at MCOZ one more time and making sure that it has a straightforward, understandable defensible space provision. She also recommended that the group work with the U.S. Forest Service who has some successful new approaches to wildfire.

<u>Jana Malone</u>, a Big Cottonwood Canyon resident, is campaigning to serve on the Town Council. She expressed her support for the federal legislation and stated that her community supports it as well. She campaigned on the idea of promoting a land bill and received the most votes in the primary. She also thought that the idea of creating 80,000 protected acres is the best way to prevent the canyons from being "loved to death". She liked the fact that the legislation supports shared use and allowing the Forest Service to use resources such as chainsaws in areas that need help fighting fires.

Norm Henderson, a Big Cottonwood Canyon property owner, commented on the Environmental Dashboard Steering Committee and asked if the meetings are open to the public. It was confirmed that they are and Ms. Nielsen offered to provide specifics on upcoming meetings. Mr. Henderson asked about moving forward with the federal legislation and the comment made by Mayor Wilson about looking at the root of the issue. Mr. Henderson thought it should go one step further, which is the genesis of the Mountain Accord. In 2012, CR 10 was very specific about finding a transportation solution and the interconnection of the seven ski areas at the time. The intent was to provide a more efficient transportation connection to take cars off the road, reduce water and air pollution, and provide an emergency evacuation process for those living in the canyon. At the retreat, he asked that they review CR 10, which was the direction given by the state on how they wish to pursue transportation solutions. He pointed out that the legislation cannot interfere with UDOT's EIS process. As it stands, he was of the opinion that it does just that.

There were no further public comments.

## G. COMMISSIONER COMMENT

Mayor Sondak reported that at their last Town Council Meeting, the Town of Alta passed Resolution 2019-R14, a resolution supporting a management study.

Chair McCandless submitted a two-year-old bill for work done by the founders of the CWC. He asked that it be paid. He explained that the work was done prior to the establishment of the CWC and involved preparing documentation.

10 Mr. Perez thanked Millcreek City for hosting the December meeting.

12 H. ADJOURNMENT

MOTION: Chair McCandless moved to adjourn. The motion passed with the unanimous consent of the Commission.

17 The Central Wasatch Commission Meeting adjourned at 6:01 p.m.

1 I hereby certify that the foregoing represents a true, accurate and complete record of the Central Wasatch Commission Meeting held Monday, November 4, 2019.

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# 4 Teri Forbes

- 5 Teri Forbes
- 6 T Forbes Group
- 7 Minutes Secretary

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9 Minutes Approved: \_\_\_\_\_